

No. 16.
 Lord Glenelg
 to
 Sir F. B. Head,
 20th August 1836.

Enclosures.

Canada until the Executive Council is practically converted into a Provincial Cabinet for the local and internal Affairs of the Province. Had this been done Ten or Twelve Years ago, when the Executive first found themselves in a decided and uniform Minority in the Provincial Parliament, I am satisfied that an elective Legislative Council would not now have been thought of. And I am not without Hopes, although they may prove fallacious, that is not yet too late, by the Adoption of this Principle, to render such Change in the Constitution unnecessary ; but at all events, as a Remedy amounting merely to the Application of an English Principle to the Constitution as it stands, it ought yet to be tried fully and fairly, previous to resorting to the more violent Measure of a Legislative Change in the Charter. It is but right, however, to inform your Lordship, that although my Opinion of the Inexpediency of such a Change in the Organization of the Legislative Council is concurred in by many, I believe a considerable Majority of the Reformers of the Province (which every Day's Delay is increasing) think that such Change will ultimately be found necessary. After the Intimation contained in your Lordship's Despatch, and out of Regard to the Opinions entertained by us, who on this Point differed from them, they were however willing to drop the Question of an Elective Legislative Council until the Constitution as it is should have been fully and fairly tested by the Application of those Principles which have been found so valuable and necessary in the successful working of that of the Mother Country ; and whatever may be the Opinion entertained as to the Expediency or Inexpediency of making the Legislative Council elective, I believe none exists as to such Change being found wholly insufficient of itself to accomplish the Two Objects desired. The making the Legislative Council elective might convert that Body into an additional Engine of Hostility against the Executive Government, but could never supersede the Necessity for the Concession of the Principle contended for ; Resistance to the Concession of this Principle may drive the Reformers into Unanimity in the Call for an elective Legislative Council, but it will only be as a Means, and not as an End ; and when that State of Things arrives, be assured England will have lost her last Hold upon the *Affections* of the great Mass of the People of Upper Canada. That such Change in the Constitution of the Legislative Council would not be found to produce Harmony between the Three Branches of the Provincial Government will readily be admitted, when it is remembered that the Collision which has produced so much Evil has not been merely between the Representative Branch of the Government and the Legislative Council, but between the Representative Branch and the Executive Government. The Complaint has always been of the Influence of the Executive upon the Legislative Council, and not of the Influence of the Legislative Council upon the Executive Government. It were idle, therefore, to expect Unanimity while you have untouched the main Source of Discord.

Secondly, To the Proposal to abolish the Legislative Council, although most of the Reasons against making it elective will equally apply, it may, in addition, be urged that a second Chamber of some Kind has, at least in modern constitutional Legislation, been deemed essential to good Government. It has not been dispensed with in any of the new Constitutions of any of the neighbouring Republics ; and has, in more Instances than one, been not long since adopted as an Improvement to the political Machinery of Government, where the previous Constitution had contained no such Provision ; and, moreover, the Abolition of the Legislative Council has not been asked for by any Portion of the Canadian People.

And as to the third Remedy proposed, that of conceding certain isolated Points as they arise and are called for, I will only say that the whole History, not only of the Canadas but of the Colonies in general, shows that such Course, as a Means of producing permanent Satisfaction and Harmony, has wholly failed. Nor, indeed, does it appear to me to require much Consideration to convince any one of the Insufficiency of this as a permanent Remedy. In the first place, such Concessions are never made, and, under the present System, never will be made, until after such a prolonged Struggle that when they come they are always felt to have been wrung from the Government, and not to have proceeded from a Sense of the Justice or Expediency of granting them ; they never remove the Distrust which is felt of the Provincial Executive Govern-
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